

LABOUR DEPARTMENT

The 9th July, 1987

No. 9/4/87-6Lab./4948.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Vinmons Engineer & Founders, Plot No. 199/24, Faridabad.

BEFORE SHRI S.B. AHUJA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 89/1986

between

SHRI BAHADUR C/O SHRI CHAMAN LAL OBERAI, GENERAL SECRETARY, INTUC, ZILA PARISHAD, 1-A/119, N.I.T. FARIDABAD, AND THE MANAGEMENT OF M/S VINMONS ENGINEER & FOUNDERS, PLOT NO. 199/24, FARIDABAD.

Present:—

Shri Chaman Lal Oberai A.R. for the workman.

None for the management.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between Shri Bahadur, Workman, and the Management of M/s Vinmons Engineer & Founders, Plot No. 199/24, Faridabad, to this Tribunal for adjudication :—

Whether the termination of services of Shri Bahadur is justified and in order ? If not, to what relief is he entitled?

2. The case of the petitioner is that he was employed with the respondent factory in June, 1984 as Helper on monthly wages of Rs. 450 per month. He worked there upto 6th July, 1986 when his services were illegally terminated without assigning any notice or paying him any compensation under Section 25-F of the Industrial Disputes Act, 1947. He assailed the termination order being illegal, unjustified and prayed for reinstatement with full backwages and continuity of service.

3. Notices were issued to the parties. The respondent put in appearance through its Authorised Representative Shri Harnam Singh. Later on neither the respondent nor its Authorised Representative appeared in this Court and as such *ex parte* proceedings were ordered against the respondent.

4. In support of his case, Bahadur, Workman, WW-1 came in the witness box. He deposed that he was appointed in the respondent factory in June, 1984 as Helper. He worked there continuously up to 6th July, 1986. He testified that no notice was issued to him prior to termination of his service. He was also not paid retrenchment compensation.

5. I find no reasons to disbelieve the sworn testimony of Bahadur WW-1 particularly when the respondent has not come forward to contest these proceedings. It is amply established from unrebutted testimony of Bahadur, Workman WW-1 that he had put in more than one year continuous service with the respondent and as such it was incumbent on the part of the respondent to comply with the provisions of Section 25-F of the Industrial Disputes Act, 1947 before effecting termination of services of the petitioner but this was not done by the respondent. Thus termination of service of the petitioner is not in consonance with the provisions of Section 25-F of the Industrial Disputes Act, 1947.

6. In the result, I hold that termination of the petitioner is neither justified nor in order and he is ordered to be reinstated with full back wages and continuity of service. The *ex parte* award is passed in favour of the workman.

Dated the 20th May, 1987.

S. B. AHUJA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endst. No. 586, dated the 30th May, 1987.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

S. B. AHUJA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9/4/87-6Lab./4949.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Shri Dasmesh Engineering & Fabricators, 1-A-1, Gurdwara Road, Jawahar Colony, Faridabad.

BEFORE SHRI S.B. AHUJA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 160/1986

between

SHRI RAJ KUMAR SHARMA, S/O SHRI HAWALDAR SHARMA, C/O HIND MAZDOOR SABHA, 299, SAHEED CHOWK, FARIDABAD AND THE MANAGEMENT OF M/S SHRI DASMESH ENGINEERING & FABRICATORS, 1-A-1, GURDWARA ROAD, JAWAHAR COLONY, FARIDABAD.

Present:—Shri Nagesh Kumar for the workman.
None for the management.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, (the Governor of Haryana referred the following dispute between Shri Raj Kumar Sharma, Workman and the Management of M/s Shri Dasmesh Engineering & Fabricators, 1-A-1, Gurdwara Road, Jawahar Colony, Faridabad, to this Tribunal, for adjudication :—

Whether the termination of services of Shri Raj Kumar is justified and in order? If not, to what relief is he entitled?

2. Notices were issued to both the parties, who appeared through their authorised representatives. Later on Shri R.C. Sharma, Authorised Representative for the Management made a statement that he has no instruction to appear on behalf of the Management. None else turned up from the Management side and as such *ex parte* proceedings are ordered against the Management.

3. The case of the petitioner set up in the demand notice is that he was employed as Operator about four years back by the respondent company on wages of Rs. 600 per month. He worked there to the entire satisfaction of the Management and did not give them any chance of the complaint but even then the Management refused him duty with effect from 10th September, 1986. He has alleged that termination of his service is illegal, unlawful and against the principles of natural justice. He thus assailed the order of termination of his service and prayed for reinstatement with full back wages.

4. In support of his case the workman came in the witness box as WW-1 and reiterated his stand. There are no reason to disbelieve his statement particularly when the Management has not come forward to contest this case. It is clearly established from the statement of Raj Kumar claimant that he has worked for more than 4 years continuously with the respondent and the respondent had terminated his services on 10th September, 1986, without giving any chargesheet or payment of any retrenchment compensation. The termination of services of the claimant clearly amounts to retrenchment and such retrenchment cannot be sustained as the same has been effected in violation of provisions of Section 25-F of the Industrial Disputes Act, 1947 in as much as no retrenchment compensation or notice pay was paid to him before effecting retrenchment. Accordingly I hold that the termination of services of the petitioner is neither justified nor in order. He is ordered to be reinstated with full back wages and continuity of service. The *ex parte* award is passed in favour of the workman.

S. B. AHUJA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated : 13th May, 1987.

Endst. No. 587, dated the 30th May, 1987

Forwarded (four copies) to the Financial Commissioner & Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under Section-15 of the Industrial Disputes Act, 1947.

S. B. AHUJA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 24th July, 1987

No. 9/2/87-6 Lab./5501.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s. Mohan Spinning Mills, Rohtak.

BEFORE SHRI C.R. GOEL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 124 of 1986

between

SHRI PANCH DEV, WORKMAN AND THE MANAGEMENT OF M/S. MOHAN SPINNING MILLS, ROHTAK

Petitioner in person.

Shri M.M. Kaushal, A.R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute, between the workman Shri Panch Dev and the management of M/s. Mohan Spinning Mills, Rohtak, to this Court, for adjudication,—vide Haryana Government Gazette Notification No. 31821—26, dated 2nd September, 1986.

Whether the termination of services of Shri Panch Dev is justified and in order ? If not, to what relief is he entitled ?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the petitioner is that he was employed with the respondent as a Supervisor since 1st November, 1977 and his services were terminated on 19th January, 1985, without giving any notice. He was not given one month's notice or one month's pay and his case falls under section 2(oo) of the Industrial Disputes Act, 1947. So, he has prayed for reinstatement with continuity of service and with full back wages.

3. In the reply filed by the respondent, the claim of the workman has been controverted in toto. Pleas taken need not be detailed, because this reference is being answered on grounds other than merits.

4. After the issues had been framed and before any evidence could be adduced by the petitioner, today, happily, the parties entered into compromise recorded separately and in accordance with the same, the management shall pay Gratuity to the workman as due to him on or before 16th August, 1987 and thereafter nothing shall remain payable to him and he shall not be entitled for reinstatement/re-employment. The reference is answered and returned accordingly, with no order as to cost.

C. R. GOEL,
Presiding Officer,
Labour Court, Rohtak.

Dated the 9th June, 1987.

Endorsement No. 124-86/1937, dated the 3rd July, 1987

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required, under section 15 of the Industrial Disputes Act, 1947.

C. R. GOEL,
Presiding Officer,
Labour Court, Rohtak.